

Central Valley Regional Water Quality Control Board

13 March 2019

Michael M. Miller
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NOTICE OF VIOLATION AND RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES, ORIGINAL SIXTEEN TO ONE MINE, INC, SIXTEEN TO ONE MINE, SIERRA COUNTY

The Original Sixteen to One Mine, Inc. (Discharger) discharges treated wastewater from the Sixteen to One Mine (Facility), which is regulated by Waste Discharge Requirements (WDRs) Order R5-2015-0002 (NPDES CA0081809), Time Schedule Order (TSO) R5-2015-0035, and TSO R5-2015-0035-01. As required by section 13385 of the California Water Code, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) must assess mandatory minimum penalties (MMPs) for violations of the effluent limitations contained in the WDRs.

Enclosed as Attachment A is a Record of Violations (ROV) that contains a list of the effluent limitation violations that have occurred due to discharges from the Facility from 1 January 2017 through 31 December 2018. The ROV shows that the proposed MMP is **\$12,000**.

Required Response

By **22 March 2019**, the Discharger must respond to this ROV. Please review the ROV for accuracy and if you disagree with any of the self-reported violations cited in Attachment A, please provide an explanation and any information necessary to support your argument(s). Responses contesting any of the violations alleged in this ROV shall be submitted as a pdf via email addressed to Kim Sellards, CentralValleySacramento@waterboards.ca.gov and submitted by you under penalty of perjury.

If you have questions regarding these violations, please contact Xuan Luo at (916) 464-4606 or Xuan.Luo@waterboards.ca.gov.



Kim Sellards, PG, CFE
Supervisor, Compliance and Enforcement Section

Enclosure: Attachment A

ATTACHMENT A

DRAFT RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

The Original Sixteen to One Mine, Inc. Sixteen to One Mine

DRAFT RECORD OF VIOLATIONS (1 January 2017-31 December 2018) MANDATORY PENALTIES
(Data reported under Monitoring and Reporting Programs R5-2015-0002, TSO R5-2015-0035, and
TSO R5-2015-0035-01)

The following table lists the alleged violations subject to mandatory minimum penalties (MMPs), pursuant to Water Code section 13385(h) and (i).

Table A. Violations subject to Mandatory Penalties

	Date	Parameter	Units	WDRs Limit	TSO Limit	Measured	Period	Violation Type	MMP Type	CIWQS
*	31-Dec-16	Copper	µg/L	3.1	10	115.9	Monthly Average	CAT 2	SIG	1021051
1	29-Jun-17	Arsenic	µg/L	20	1000	1308	Maximum Daily	CAT 2	SIG	1032320
2	29-Jun-17	pH	S.U.	8.5	NA	8.64	Instantaneous Maximum	OEVI	NCHRON	1032324
3	30-Jun-17	Arsenic	µg/L	10	700	1308	Monthly Average	CAT 2	SIG	1032325
4	31-Aug-17	Arsenic	µg/L	10	700	718.6	Monthly Average	CAT 2	SIG	1038873
5	31-Dec-17	Arsenic	µg/L	10	700	983.5	Monthly Average	CAT 2	SIG	1038874
6	2017	Electrical Conductivity	µmhos/cm	900	†	1704	Annual Average	OEVI	NCHRON	1038875

* This violation was addressed in ACLO R5-2017-0115 and is not being reasserted as a violation in this ROV; however, the date of this violation is relevant for determining if a non-serious violation between 1 January 2017 and 30 June 2017 falls within the first three violations in a 180-day period.

† Time Schedule Order (TSO) R5-2015-0035 contains interim electrical conductivity limitations based on a maximum daily effluent limit (1426 µmhos/cm) and an average monthly effluent limit (2867 µmhos/cm) averaging periods. Protection from MMPs was lost for electrical conductivity because the effluent concentration exceeded the interim maximum daily effluent limitation in the second and third quarter of 2017, which were reported as 2760 µmhos/cm and 2430 µmhos/cm. Two additional electrical conductivity samples were collected during 2017, which were 406 µmhos/cm and 1220 µmhos/cm. The annual average is calculated by adding the samples taken in 2017 and dividing it by the number of samples, which results in 1704 µmhos/cm and exceeds the WDRs annual average limit.

Table B. Definition

Abbreviation	Description
CAT 1	Violation of effluent limitation for Group I pollutant.
CAT 2	Violation of effluent limitation for Group II pollutant
CHRON	Chronic violation as defined by Water Code section 13385 (i). Any non-serious violation that falls within a 180-day period with three preceding violations. Thus, the fourth non-serious violation that occurs within a 180-day period is subject to MMPs.
CIWQS	California Integrated Water Quality System database. https://www.waterboards.ca.gov/water_issues/programs/ciwqs/
CTOX	Violation of chronic toxicity effluent limitation.
DREP	Deficient reporting violation. This will only result in MMPs if the report is so deficient as to make determination of compliance impossible for the reporting period.
LREP	Late Reporting violation. Every 30-Days a report is late counts as one serious late reporting violation subject to MMPs.
Measured	Reported value for the monitoring period by the Discharger.
MMP Type	Classification of the type of MMP violation.

ATTACHMENT A
RECORD OF VIOLATIONS FOR ASSESSING MANDATORY MINIMUM PENALTIES

Table B. Definition

Abbreviation	Description
Occurrence Date	Date that a violation occurred. For averaging period limitation violations, such as weekly and monthly averages, the last day of the reporting period is used such as last day of the week (Saturday) and last day of the month, respectively.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
NCHRON	Non-serious violation falls within the first three violations in a 180-day period, thus, not subject to MMP.
SIG	Serious Violation: <ul style="list-style-type: none"> ▪ For Group I pollutants that exceed the effluent limitation by 40 percent or more. ▪ For Group II pollutants that exceed the effluent limitation by 20 percent or more.

PAYMENT AMOUNT VIOLATIONS SUMMARY

<u>VIOLATIONS AS OF:</u>	<u>12/31/18</u>
Group I Serious Violations:	0
Group II Serious Violations:	4
Non-Serious Violations Not Subject to MMPs:	2
Non-serious Violations Subject to MMPs:	0
Total Violations Subject to MMPs:	4

Mandatory Minimum Penalty Amount for Effluent Limit Violations

4 Serious Violation(s) x \$3,000 Violation = \$12,000

0 Non-Serious Violation subject to MMP x \$3,000 per Violation = \$0

Total Mandatory Minimum Penalty = \$12,000